

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

26469

FILE: B-212850

DATE: October 11, 1983

MATTER OF: Service and Sales, Inc.

DIGEST:

Protest which is not filed within 10 working days after the protester knew of contract award is untimely under 4 C.F.R. § 21.2(b) (2) and will not be considered.

Service and Sales, Inc., protests the award of a contract for a thermocouple to Alamo Aircraft, Inc. (Alamo), under solicitation No. DLA400-83-Q-ZA16 issued by the Defense Logistics Agency. The protest is based on the contention that Alamo is not an approved source for the item.

We dismiss the protest as untimely.

Our Bid Protest Procedures provide that protests alleging other than solicitation deficiencies apparent before bid opening or the closing date for receipt of proposals shall be filed (i.e., received) not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1983). Here, the basis for Service & Sales' protest was known on August 11, 1983, when it received notice of the award to Alamo. The protest was not received in our Office until August 26.

Since the protest was not filed in our Office within the required time period, it is untimely and will not be considered.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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